

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

04 SEP -2 PM 3:07

U.S. DISTRICT COURT
N.D. OF ALABAMA

DAVID WAYNE LACKEY,

Plaintiff,

vs.

SCOTT THOMAS MORRO, SUMMIT
MEDICAL CENTER OF ALABAMA,
INC., MERRIAM McLENDON, and
MICHELLE WILSON,

Defendants.

CIVIL ACTION NO. 01-AR-1976-S

ENTERED

SEP 02 2004

MEMORANDUM OPINION

On April 15, 2003, defendant Michelle Wilson filed a motion for summary judgment. On April 30, 2003, the plaintiff was given until May 21, 2003 to file a response. The plaintiff did not respond, and, on March 2, 2004, he was given another opportunity to file a response, this time until March 8, 2004. The plaintiff was informed that if he did not respond this time, it would be deemed that he did not oppose the motion. The plaintiff did not file a response, but filed a motion to compel the depositions of Michelle Wilson and Merriam McLendon. That motion was denied, on the ground that the discovery deadline had expired on March 15, 2003. Wherefore, this motion for summary judgment is due to be granted.

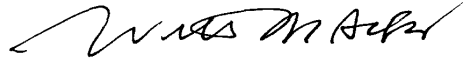
Also before the court is the motion to dismiss filed by defendants Summit Medical Center and Merriam McLendon on March 15, 2003. The motion states that this action was commenced nearly twenty-two months ago, and that the defendants have not been served

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with a copy of the summons and complaint. The plaintiff was ordered to file a response to this motion no later than May 21, 2003. The plaintiff has failed to respond in any manner. Wherefore, the motion to dismiss is due to be granted.¹

An order in accordance with this memorandum opinion will be entered.

DONE this 2nd day of September, 2004.



William M. Acker, Jr.
Senior United States District Judge

¹The case against defendant Scott Morro has already been dismissed with prejudice.